

# **EXHIBIT 8**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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CLYDE RAY SPENCER, MATTHEW RAY  
SPENCER and KATHRYN E. TETZ,

Plaintiffs,

v.

)  
)  
)  
)  
)  
) No. 11-5424 BHS  
)  
)

FORMER DEPUTY PROSECUTING ATTORNEY FOR )  
CLARK COUNTY JAMES M. PETERS, DETECTIVE )  
SHARON KRAUSE, SERGEANT MICHAEL )  
DAVIDSON, CLARK COUNTY PROSECUTOR'S )  
OFFICE, CLARK COUNTY SHERIFF'S OFFICE, )  
THE COUNTY OF CLARK, SHIRLEY SPENCER. )  
and JOHN DOES ONE through TEN, )  
)

Defendants. )  
)  
)

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VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF  
CLYDE RAY SPENCER

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Monday, November 12, 2012  
10:00 a.m.  
1201 Third Avenue, Suite 2200  
Seattle, Washington

Reported by Marlis J. DeJongh, CCR, RPR

Lic. No. DE-JO-NM-J498K9

## APPEARANCES

For the Plaintiffs: KATHLEEN J. ZELLNER  
and DOUGLAS H. JOHNSON  
Attorneys  
1901 Butterfield Road,  
Suite 650  
Downers Grove, Illinois 60515

For Defendant Davidson: JEFFREY A.O. FREIMUND  
Attorney  
711 Capitol Way S, Suite 602  
Olympia, Washington 98501

For Defendant Krause: GUY BOGDANOVICH  
Attorney  
2674 R W Johnson Blvd. SW  
Tumwater, Washington 98512

For Defendant Peters: PATRICIA C. FETTERLY  
Assistant Attorney General  
7141 Cleanwater Drive SW  
Olympia, Washington 98504

Videographer: DAN BASSETT  
PROLUMINA  
601 Union Street, Suite 1420  
Seattle, Washington 98101

Court Reporter: MARLIS J. DeJONGH, CCR, RPR  
1400 Hubbell, Suite 1510  
Seattle, Washington 98101

VIDEOGRAPHER: We are on record.

This is the videotaped portion in the deposition of  
Clyde Ray Spencer. My name is Dan Bassett. I'm the  
videographer here today, employed by Prolumina. The  
court reporter is Marlis DeJongh from Marlis DeJongh &  
Associates.

The deposition is being recorded this 12th day of  
November 2012. The time now is 10:02 a.m.

We are located at 1201 Third Avenue, Suite No. 2200  
in Seattle, Washington 98101.

The deposition is being recorded in the matter of  
Spencer, et al., versus Former Deputy Prosecuting  
Attorney for Clark County, James Peters, et al. The  
Case number is 11-5424 DHS in the United States District  
Court for the Western District of Washington at Tacoma.

The deposition was noticed by Jeff Freimund.

Counsel and all present please identify yourselves  
for the record and then the witness may be sworn in.

MS. ZELLNER: Kathleen Zellner on behalf of the  
plaintiff Ray Spencer.

MR. JOHNSON: Doug Johnson also on behalf of the  
plaintiff Ray Spencer.

MR. FREIMUND: Jeff Freimund on behalf of Defendant  
Mike Davidson.

MS. FETTERLY: Patricia Fetterly on behalf of

## INDEX OF EXAMINATION

## Page(s)

Videotaped Examination of  
Clyde Ray Spencer

By Mr. Freimund	5
By Ms. Fetterly	198
By Mr. Bogdanovich	237

## INDEX OF EXHIBITS

No.	Description	Marked
1.	Utility Report, 7/14/84 - 8/26/84	13
2.	1/2/85 Office Correspondence	14
3.	1/29/85 Office Correspondence	80
4.	City of Vancouver Notice of Dismissal	89
5.	Incident Report, 2/3/85	101
6.	Utility Report, 2/22/85	118
7.	Utility Report, 2/28/85	144
8.	Statement of Defendant on Plea of Guilty	175
9.	Notice of Violations/Stipulated Agreement	185
10.	Clark County Information Document	202
11.	Utility Report, 10/16/84	212

Defendant James Peters.

MR. BOGDANOVICH: Guy Bogdanovich on behalf of  
defendant Sharon Krause.

CLYDE RAY SPENCER, deponent herein, being first duly  
sworn on oath, was examined and  
testified as follows:

## EXAMINATION

BY MR. FREIMUND:

Q. Please state your full name for the record and  
spell your last name.

A. Clyde Ray Spencer, S-p-e-n-c-e-r.

Q. Mr. Spencer, what is your date of birth?

A. 1/9/48.

Q. How old are you now?

A. 64.

Q. Are you on any medications today?

A. Nothing but the medications I took last night for  
the PTSD and the nightmares.

Q. What did you take last night?

A. I don't have that information with me. I mean, I  
can get it for you. My attorney can get it for you.

Q. Do you recall the name of the drug that you took?

You have to answer out loud, please.

Page 6

- 1 A. No, I don't.  
 2 Q. Do you recall how much you took?  
 3 A. I don't. The prescribed medication, whatever  
 4 the psychiatrist has dictated. I didn't take anything  
 5 extra.  
 6 Q. Was it one pill, two pills, three pills? What?  
 7 A. One pill was for nightmares, one for sleep.  
 8 Q. How often do you take those medications? On a  
 9 daily basis?  
 10 A. On a daily basis.  
 11 Q. At what times of the day do you take those  
 12 medications?  
 13 A. Before bed.  
 14 Q. Do you take any medications in the mornings?  
 15 A. No.  
 16 Q. Where do you currently reside?  
 17 A. Los Angeles --  
 18 MS. ZELLNER: Actually, right, we won't be  
 19 providing his specific address. So he will appear for  
 20 the trial but we're not going to give you the address.  
 21 He has some safety concerns about some of the people in  
 22 this case, so...  
 23 Q. You're worried some people in this case are going  
 24 to come after you where you reside?  
 25 A. That's a possibility.

Page 7

- 1 Q. Is that your worry?  
 2 A. Yes.  
 3 Q. Tell me what town you reside in.  
 4 A. Los Angeles.  
 5 Q. Los Angeles, California?  
 6 A. Yes.  
 7 Q. How long have you resided there?  
 8 A. Probably a year and a half now.  
 9 Q. How long have you been out of prison?  
 10 A. I was released in December of 2004.  
 11 Q. So during the past eight years, approximately, have  
 12 any of the defendants in this case made any effort to  
 13 contact you?  
 14 A. Not that I know of.  
 15 Q. But nonetheless you're afraid that they're going to  
 16 sometime in the next future years?  
 17 A. The possibility is there.  
 18 Q. Are you afraid of anybody else?  
 19 A. No.  
 20 Q. So it's just the three named defendants that you're  
 21 afraid of?  
 22 A. Correct.  
 23 Q. Your allegation in this case, sir, as set forth in  
 24 your complaint is that there was a conspiracy to frame you  
 25 for crimes that you didn't commit. Is that right?

Page 8

- 1 A. That's correct.  
 2 Q. Who was a part of this conspiracy?  
 3 A. Jim Peters, Michael Davidson, and Sharon Krause.  
 4 Q. Nobody else?  
 5 A. No.  
 6 Q. So it was just those three people that conspired  
 7 against you even though you also named Shirley Spencer, the  
 8 County, Clark County sheriff's office and the Clark County  
 9 prosecutor's office?  
 10 A. Michael Davidson was employed by the Clark County  
 11 sheriff's. I think Shirley Spencer was a pawn in this.  
 12 Q. So she was involved in the conspiracy unwittingly?  
 13 A. I think she was, yes.  
 14 Q. All right. When did this conspiracy form?  
 15 A. I noticed that my marriage was changing around  
 16 October of 2004. Up until that point in time I had a  
 17 stable, loving relationship with my wife. Suddenly the  
 18 arguments began. This was after the polygraph that  
 19 Detective Davidson indicated I had failed.  
 20 My wife went there, and after that, she apparently went  
 21 to the jail, or went to the county sheriff's almost on a  
 22 daily basis. I would call her for hours and she would not  
 23 answer, and she would indicate that she had been at the  
 24 county jail or at the sheriff's department speaking with  
 25 Davidson.

Page 9

- 1 I believe that the relationship started at that point,  
 2 and they manipulated her from on.  
 3 Q. And you have pretty clear memories of that time  
 4 frame of October 1984?  
 5 A. I know that's when the relationship seemed to  
 6 totally reverse. Up until that time she was supportive of  
 7 me, loving. Suddenly there was no personal relationships.  
 8 You have to understand Shirley's mental state. She  
 9 is, she's a fragmented individual. She's obsessed with  
 10 jealousy. Her feelings of how to, a relationship should be,  
 11 there should be a physical confrontation and then a makeup  
 12 afterwards. So all of a sudden it began around that period  
 13 of time.  
 14 Q. That period of time being October 1984?  
 15 A. Correct.  
 16 Q. What -- and that's when you think the conspiracy  
 17 formed, was sometime around October 1984, just to be clear?  
 18 A. It is.  
 19 Q. What was the goal of the conspiracy, or what was  
 20 the agreement to do?  
 21 A. I think that the agreement was to get me out of the  
 22 picture. Davidson sleeping with my wife. Krause is  
 23 building a career. She is working in conjunction with Jim  
 24 Peters. They're giving lectures up and down the coast.  
 25 Q. So why -- what is Peters' motivation in this

Page 10

1 conspiracy that you believe existed?

2 A. He's building a career too.

3 Q. So Davidson had one motive to conspire, and Krause  
4 and Peters had a different motive to conspire. Is that what  
5 you're saying?

6 A. Well, I'm saying that Davidson sleeping with my  
7 wife. Krause, if you read her reports -- I was a police  
8 officer in law enforcement 14 years. You don't, you know --  
9 there is no audio, there is no video of these, of these  
10 reported interviews with the kids. She comes back a week  
11 later and writes a 20 page report with quotation marks. I'm  
12 sorry, I don't buy that. She falsified those reports.

13 Davidson was her immediate supervisor. He would have  
14 known about it. She would have had to give him everything.  
15 Peters is there, he has it.

16 Q. Okay. Let's go back to my question though. My  
17 question to you is, is it your belief that Davidson had a  
18 motive underlying this conspiracy that was different than  
19 the motive that Peters and Krause had?

20 A. Well, obviously Peters and Krause are not sleeping  
21 with my wife, so yes.

22 Q. Do you think Peters and Krause were acting in order  
23 to further this, a relationship between Mike Davidson and  
24 your wife?

25 A. Whether they were acting to further that

Page 12

1 A. I think the kids' mother DeAnne was. I think she  
2 was going on what was being relayed to her, the allegations  
3 that were supposedly being made. You can't read these  
4 reports and expect me to buy into the fact that the  
5 statements that are being made in those reports from Krause  
6 that a five-year-old has said that. I'm not buying it. I'm  
7 sorry.

8 Q. At the time your daughter Kathryn Spencer made a  
9 disclosure you weren't buying it that something happened?

10 A. I wasn't buying that I had anything to do with it.

11 Q. Did you think she was a victim of sexual abuse at  
12 the time she made her disclosure?

13 A. I had no idea. But two years before that when she  
14 came up, one of the first visits after the divorce, there  
15 appeared to be what was a cigarette burn on her vaginal  
16 area.

17 The information I was receiving was that her mother was  
18 running the streets pretty hard after the divorce. My  
19 assumption was when they made a statement that daddy did it,  
20 it was probably some guy that the ex-wife had in there. And  
21 she even admitted to Detective Flood from Sacramento County  
22 sheriff's that there had been a guy there that had been  
23 bothering the kids and she got rid of him.

24 Q. So you did think that there was a possibility that  
25 your daughter Kathryn Spencer was sexually abused when she

Page 11

1 relationship I have no idea. But I know they took an active  
2 part in this conspiracy.

3 Q. Okay. So Krause and Peters had an agreement in  
4 this conspiracy to further their career by framing you for a  
5 crime you claim you didn't commit, right?

6 A. Correct.

7 Q. But Mr. Davidson had a separate and independent  
8 reason for attempting to frame you for a crime you didn't  
9 commit, as you claim. Is that your testimony?

10 A. Davidson is the lead supervisor. Krause works  
11 directly for him. He's controlling that investigation. She  
12 has to run things through him. There is no way that I'll  
13 ever believe that he wasn't aware of what was going on. And  
14 he had his own motivation for directing that investigation.

15 Q. So his motivation was independent and different  
16 from the motivation of Krause and Peters, correct?

17 A. Correct.

18 Q. Who was the ringleader of this conspiracy?

19 A. I think Davidson. He's controlling the  
20 investigation.

21 Q. Was Mr. Rulli involved in the conspiracy?

22 A. No.

23 Q. Who were the other pawns, if there were any, in  
24 this conspiracy? You mentioned Shirley Spencer was a pawn  
25 in the conspiracy. Were there others?

Page 13

1 first disclosed abuse to Shirley Spencer in August of 1984?

2 A. As a father I was not going to ignore the  
3 possibility. That's why I initiated the investigation,  
4 that's why I called Child Protective Services, both in  
5 California and the state of Washington, the sheriff's  
6 department and my department.

7 Q. So it's your testimony, sir, that you were the  
8 first one to contact any law enforcement entity or any  
9 hotline or CPS worker about the disclosures of sexual abuse  
10 that were made by your daughter Kathryn Spencer?

11 A. That's correct.

12 MR. FREIMUND: Let's mark this as Exhibit 1 to  
13 Mr. Spencer's deposition, please.

14 (Exhibit No. 1 marked for identification.)

15 Q. You indicated earlier, sir, that you have read the  
16 police reports by Detective Sharon Krause related to the  
17 investigation involving sexual abuse committed by yourself,  
18 right?

19 A. Yes.

20 Q. Do you recognize Exhibit 1 as a copy of one such  
21 report that you previously read?

22 A. (Witness reviewing document.)

23 Yes, I have read this.

24 Q. We'll get back to that in a moment.

25 MR. FREIMUND: Let's mark this as Exhibit 2 to

Page 14

1 Mr. Spencer's deposition, please.  
 2 (Exhibit No. 2 marked for identification.)  
 3 Q. In the course of your review of documents in this  
 4 case, Mr. Spencer, did you also review the Internal Affairs  
 5 investigation reports that were completed by the Vancouver  
 6 Police Department where you were employed back in August of  
 7 1984?  
 8 A. Yes.  
 9 Q. Are you familiar with this Exhibit 2 as being one  
 10 of the documents that were enclosed with the Internal  
 11 Affairs investigation conducted by the Vancouver Police  
 12 Department?  
 13 A. Yes.  
 14 Q. Let me direct you to Page 2.  
 15 Well, before I do, I'm sorry, let's start at Page 1.  
 16 First of all, this is documenting an interaction that you  
 17 had with Carol Arden, A-r-d-e-n, a PAT service officer, that  
 18 occurred on August 30th of 1984, correct?  
 19 A. It appears to be, yes.  
 20 Q. What is a PAT officer?  
 21 A. People's assistance team.  
 22 COURT REPORTER: I'm sorry?  
 23 THE WITNESS: People's assistance team.  
 24 Q. Is that like a victim assistance? Is that what  
 25 their role is typically?

Page 15

1 A. Typically, yes.  
 2 Q. Do they also have a role in working with police  
 3 officers who are undergoing or are interacting with their  
 4 supervisors?  
 5 A. They are part of the police department.  
 6 Q. I understand that, but do they have a role in  
 7 assisting police officers when they're interacting with  
 8 their supervisors?  
 9 A. Yes.  
 10 Q. What is that role?  
 11 A. Supportive. They can help -- you know, you bring  
 12 the problems to them. They can recommend counseling,  
 13 depending on what the situation is.  
 14 Q. And this report by Ms. Arden indicates that on  
 15 August 30th, 1984, if you look at the bottom of the second  
 16 paragraph on the first page, that the two of you spent  
 17 approximately 45 minutes talking in private. Is that  
 18 accurate?  
 19 A. Well, based on what the report says. You know,  
 20 that was 30 years ago so I can't recall a time frame there.  
 21 Q. Okay. Do you have any reason to doubt the accuracy  
 22 of Ms. Arden's estimate that it was about 45 minutes that  
 23 the two of you spoke privately on that day?  
 24 A. I'm afraid you would have to ask Ms. Arden that.  
 25 I'm sorry.

Page 16

1 Q. My question to you though is, do you have any  
 2 reason to doubt the accuracy of what Ms. Arden said?  
 3 A. I have no reason to doubt the accuracy or the  
 4 inaccuracy of it.  
 5 Q. All right. Now let's look at the second page of  
 6 Exhibit 2, please. I will direct your attention to the  
 7 first full paragraph on that page which kind of looks like  
 8 the second paragraph on the page.  
 9 And Ms. Arden here is documenting what you were telling  
 10 her about your daughter Kathryn Spencer's initial disclosure  
 11 of abuse.  
 12 Is it your understanding, sir, that that is the fact,  
 13 that the first person that your daughter Kathryn Spencer  
 14 disclosed sexual abuse by you, the first person she told  
 15 that to you was your wife at the time Shirley Spencer?  
 16 A. Yes.  
 17 Q. And do you believe your wife Shirley Spencer was a  
 18 pawn in a conspiracy at the time that disclosure was made to  
 19 her by Kathryn Spencer?  
 20 A. I have no way of knowing that because I have no way  
 21 of knowing when the affair started.  
 22 Q. So you don't know if she was a pawn --  
 23 A. I can't say.  
 24 Q. -- at that point or not?  
 25 A. No, I can't say.

Page 17

1 Q. Do you recall Shirley being very upset and alarmed  
 2 about what she had heard from Kathryn?  
 3 A. I do.  
 4 Q. Do you recall Shirley Spencer telling you that she  
 5 was so upset and alarmed about what she heard from Kathryn  
 6 that she made a decision to call the Vancouver hotline and  
 7 report the sexual abuse that was disclosed to her by Kathryn  
 8 Spencer?  
 9 A. This is the first I am aware of that. And as a  
 10 matter of fact, I don't even know if they had a Vancouver  
 11 hotline.  
 12 Q. Okay. So your belief is if Ms. Arden recorded in  
 13 writing way back when in 1984 that you told her that Shirley  
 14 had initiated the investigation, if you will, by calling the  
 15 Vancouver hotline, you wouldn't know one way or another if  
 16 your -- if she accurately recorded your statements at the  
 17 time?  
 18 A. That's right.  
 19 Q. Okay. Ms. Arden then goes on to say, and I'm  
 20 starting at the third paragraph on Page 2 of Exhibit 2, Ray  
 21 said that the hotline worker advised Shirley to report it to  
 22 the proper authorities.  
 23 Do you know if that is an accurate recitation of what  
 24 you told Ms. Arden back on August 30th of 1984?  
 25 A. I never told Ms. Arden that because it would not be



## REPORTER'S CERTIFICATE

STATE OF WASHINGTON       )  
                                  )     ss.  
COUNTY OF KING            )

I, MARLIS J. DeJONGH, CCR, RPR, a Notary Public in  
and for the State of Washington, do hereby certify:

That prior to being examined, the witness named in the  
foregoing deposition was duly sworn to testify the truth,  
the whole truth and nothing but the truth;

That said deposition was taken down by me in  
shorthand at the time and place therein named and thereafter  
transcribed by means of computer-aided transcription, and  
that the foregoing transcript contains a full, true and  
verbatim record of the said deposition;

I further certify that I have no interest in the  
event of the action.

WITNESS my hand and seal this 27th day of November,  
2012.

Notary Public in and for the State  
of Washington, residing in Seattle.  
My commission expires 01/2016.  
Lic. No. DE-JO-NM-J498K9